

COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
Peter S. Pearlman, Esq.
Park 80 Plaza West-One,
Saddle Brook, NJ 07663
Telephone: 201/845-9600
201/845-9423 (fax)

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
Jack Reise, Esq.
James L. Davidson, Esq.
Elizabeth A. Shonson, Esq.
120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432-4809
Telephone: 561/750-3000
561/750-3364 (fax)

Attorneys for Plaintiff and the Class

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

"DOCUMENT ELECTRONICALLY FILED"

DAVID MURDOCK, Individually and as :
Father and Next Friend of BEAU FARISH :
MURDOCK and ANABELLE SAGE :
MURDOCK, Minor Children, on Behalf of All :
Others Similarly Situated, :

Plaintiff, :

vs. :

RC2 CORPORATION, LEARNING CURVE :
BRANDS, INC., LEARNING CURVE :
BRANDS, INC. d/b/a RC2 BRANDS, INC., :
WAL-MART STORES, INC. and TOYS "R" :
US, INC., :

Defendants. :

No. 2:07-CV-3376 (WHW)

**DECLARATION OF PETER S.
PEARLMAN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO RESPOND TO
DEFENDANTS' MOTION TO DISMISS**

Peter S. Pearlman hereby declares as follows:

1. I am an attorney at law in the State of New Jersey and a member of the bar of this Court. I am one of the attorneys representing Plaintiff in this matter.

2. Plaintiff filed his Class Action Complaint ("Complaint") on July 20, 2007. Plaintiff served the Complaint on Defendant Toys "R" Us on July 25, 2007, on Defendants Learning Curve Brands, Inc. and Learning Curve Brands, Inc., d/b/a RC2 Brands, Inc. on July 31, 2007, on Defendant Wal-Mart Stores, Inc. on August 1, 2007, and on Defendant RC2 Corporation on August 2, 2007.

3. On October 10, 2007, Defendants moved to dismiss the Complaint. Thereafter, on October 25, 2007, the Court entered an Order establishing a briefing schedule for Defendants' Motion to Dismiss, requiring Plaintiff to file his opposition to Defendants' Motion to Dismiss on or before December 13, 2007.

4. There are currently sixteen related cases pending against Defendants nationwide.¹ Plaintiffs in the nine actions filed in the Northern District of Illinois have already joined together to file a Consolidated Complaint and Second Amended Consolidated Complaint. Plaintiffs in all of the related actions, including Plaintiff Murdock, and Defendants RC2 Corporation and Learning Curve Brands, Inc., have filed competing motions with the Judicial Panel on Multidistrict Litigation (the "Panel") seeking transfer and coordination in the Northern District of Illinois and the Central District of California.

¹ In addition to this action, there are nine actions currently pending in the Northern District of Illinois, one pending in the Eastern District of New York, one pending in the Eastern District of Arkansas, one pending in the Southern District of Indiana, one pending in the Eastern District of Missouri, one pending in the Northern District of Alabama and one pending in the Central District of California.

5. On November 29, 2007, the Panel heard oral argument on these motions. While the Panel has not yet determined to which district these related actions should be transferred, it is likely that they will be transferred to either the Northern District of Illinois or the Central District of California, as advocated by the parties. Similar motion to dismiss briefing is already taking place in the Northern District of Illinois.

6. Due to the likelihood that this action will be transferred out of this Court in the next few weeks to a district where similar briefing is already in progress or will begin shortly, Plaintiff seeks an extension of time to file its opposition to Defendants' Motion to Dismiss of sixty (60) days to allow for the Panel's issuance of an order on transfer and coordination.

7. It believes an enlargement of time would be in the interest of judicial economy as it would prevent duplicative briefing in separate courts when transfer to another district for coordinated proceedings is likely. It would also prevent an expenditure of Plaintiff's resources and time on a brief, which would ultimately be mooted by the Multi District Litigation process upon the Panel's Order transferring these actions to one district for coordinated proceedings.

8. Pursuant to Local Rule 16.1(g), the undersigned has conferred with counsel for Defendants, who have authorized the undersigned to represent that Defendants do not oppose the requested extension of time.

I declare under penalty of perjury that the foregoing statements are true.

DATED: December 11, 2007

COHN LIFLAND PEARLMAN
HERRMANN & KNOPF LLP
PETER S. PEARLMAN
JEFFREY W. HERRMANN



PETER S. PEARLMAN